

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO. 2174 OF 1995

with

CIVIL REVISION APPLICATION NO. 2175 OF 1995

with

CIVIL REVISION APPLICATION NO. 2176 OF 1995

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?

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UNITED INDIA INSURANCE  
VERSUS  
PURSHOTTAMDAS KALIDAS BHANDARI

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Appearance: (In All CRAs.)  
Mr.PV NANAVATI for petitioner  
None present for Respondents

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Coram: MR.JUSTICE S.K. Keshote,J

Date of decision:30/12/1999

C.A.V. JUDGMENT

#. On 29th November 1995, these three matters were placed in the court for preliminary hearing. Identical order has been passed in all these three matters which reads as under:

"Heard Mr.Nanavaty for the petitioner. The petitioner is challenging the order made by the learned Motor Accident Claims Tribunal Valsad on 12th September, 1995 in Motor Accident Claim Petition no.204 of 1994. The application was made for payment of amount on account of 'no fault liability' for accident by motor vehicle which took place on 16th February, 1994. The learned Judge awarded an amount of Rs.50,000/= whereas until 14th November, 1994, provision in this behalf under Section 140 sub-clause 2 of the Motor Vehicle Act, 1988 was only Rs.25,000/=. Hence, Rule returnable by 22nd January, 1996. Interim stay of the impugned order. The petitioner will, however, deposit an amount of Rs.25,000/= instead of Rs.50,000/= before the Tribunal and the claimants will be at liberty to withdraw the same without giving any security."

#. The learned counsel for the petitioner submits that in pursuance of the order of this court aforesaid the petitioner has already deposited in all these three cases, Rs.25,000/= each. Prima-facie, what it is contended is correct that Section 140 of the Motor Vehicles Act, 1988 was amended on 14th November 1994 and enhanced amount of compensation under this provision could not be made available to the claimants in the cases as the accident was of prior date. However, in view of the order of this court dated 29th November, 1995 and the fact that whatever amount awarded under Section 140 of the Motor Vehicles Act, 1988 is ultimately to be deducted from the final award, interest of justice will be served in case these matters are disposed of in the terms that the Motor Accident Claims Tribunal, District: Valsad at Navsari is directed to decide all the three claim petitions out of which these civil revision applications have arisen, within a period of nine months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier and compliance of this order be reported. Till decision of the claim petitions,

the order passed by this court on 29th November, 1995,  
shall continue.

#. The civil revision applications and Rule therein stand  
disposed of accordingly with no order as to costs.

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[sunil]